GENERAL INDEX.

Page.

BAR ASSOCIATION:
New York State, report of secretary ... 102
eleventh annual report ... 234, 264
BLASPHEMY ... 368

CODE of Ethics of Alabama Bar Association ... 484
Civil, in 1888 ... 221
COOKE, MARTIN W., on Statute of Frauds ... 492
CORLISS, GUY C. H., on judicial determination of existence of statute ... 428, 449
on liability of surety on bond for more than one penalty ... 108
on surety's liability on bond conditionally signed, 188, 208

BOOK NOTICES:
American Digest ... 444
Bailey's Conflict of Judicial Decisions ... 285
Bardeen's Common School Law ... 224
Bates on Partnership ... 224
Benjamin on Sales ... 143
Berryman's Insurance Digest ... 224
Bigelow on Fraud ... 304
Black on Tax Titles ... 323
Blackstone Publishing Co.'s Text Book Series ... 404, 532
Bolles on Banks ... 104
Boutwell's The Lawyer, the Statesman and the Soldier ... 469
Bowen's Virgil ... 128
Caruther's History of a Law Suit ... 143
Clark's Magistrate's Manual ... 532
Code of Public Instruction ... 323
Field on Infants ... 364
Fowler's Supplement to New York Revised Statutes, 224
General Digest of the United States ... 444
Hall on Patent Estate ... 511
Hamilton's Medical Jurisprudence ... 344
Heard's Shortt on Criminal Informations ... 384
Hotchkiss on Banks and Banking ... 344
Index-Digest United States Supreme Court Reports, 303
It is the Law ... 165
Jones' Index to Legal Periodical Literature ... 105
Lloyd on Building and Buildings ... 323
Metcalf on Contracts ... 124
Newmark on Bank Deposits ... 224
New York Chancery Reports ... 364
Patterson's Federal Restraints on State Action ... 424
Pennsylvania Supreme Court Digest ... 304
Randolph on Commercial Paper ... 143
Shakespeare ... 346, 405
Sherman and Redfield on Negligence ... 404
Smith's Mercantile Law ... 224
Speer's Removal of Causes ... 424
Spitzka on Insanity ... 344
Stimson's American Statute Law—First Supplement, 511
Taschereau's Canada Criminal Acts ... 323
Taylor on Corporations ... 444
Tucker's Mercantile and Manufacturing Corporations, 104
Wandell's Law of Inns, Hotels and Boarding-Houses, 511
Waterman on Corporations ... 303
Wharton on Evidence ... 444

CORRESPONDENCE:
ancient record, an ... 123
Boutwell on Webster ... 532
check to mistaken order ... 183, 223
Code and the N. Y. City Bar Association ... 204
Code Civil Procedure, section 375 ... 303
contract, question of ... 384
Court of Appeals, relief of ... 511
crag carving ... 323
district attorney, duty of ... 123
doggerel ... 284
Dos Passos, Mr., justice to ... 241
Dutch title in Manhattan island ... 104
expert evidence, case for ... 403
modification of rules of evidence ... 59
Mr. Hornblower on Code ... 223
judge system ... 531
Kahn's lunacy scheme ... 204
negotiable instrument; failure of consideration ... 343
nolle prosequi and section 829 Code of Civil Procedure ... 163, 164

CORRESPONDENCE—Continued. Page.
pregnancy from rape ... 182
service of process on infants above fourteen ... 263
Sharpe case ... 40
statute of limitations; Code Civ. Proc., section 375 .. 263
Mr. Davies and the Stewart will case ... 302, 323
text-books as authority ... 242

CURRENT TOPICS:
Abbott, Austin, on "The Physiology of the Rogue". 306
Albany ice carnival ... 105
Law School; commencement; Mr. Pryor's address ... 425
American Reports, discontinuance of ... 385
Andrews, Judge, accident to ... 470
animals; dogs and cats of great men ... 266
and Mr. Bergh ... 226
arbitration for settlement of international disputes; memorial to Congress ... 126
attorneys, amalgamation in England ... 105
bill to prohibit advertising for divorce business.. 326
their charges ... 106
governor vetoes bill to prohibit advertising for divorce business ... 366
Bar Association; Alabama, tenth annual meeting... 426
Kansas, report of fifth annual meeting ... 185
New York State, annual meeting ... 65, 66
disbarring unworthy lawyers ... 105
Bishop, Joel Prentiss, on the common law ... 125
on "Common Law and Codification" ... 445
Bliss on contingent fees ... 513
Boutwell's "The Lawyer, the Statesman and the Soldier" ... 469
Bowen, Mr. Justice, criticisms on his translation of Virgil ... 165
Lord Justice, his Æneid, criticisms on ... 325
capital punishment, recommendation of electricity.. 66
check, payment of, on false indorsement ... 165
Chicago Law Times, notice of ... 85
Chief Justice Waite; appointment of successor to... 305
appointment of Mr. Fuller as ... 366
newspaper comments on appointment ... 405
Choate, Rufus, Boutwell on ... 469
Code, New York Civil, hearing on ... 145, 146
defeated ... 365
Procedure, section 829, amendment ... 86
codification, Mr. Creed Haymond and Central Law Journal on ... 205
protest against discussion of ... 326
Conkling, Roscoe, death of ... 305
Cooley, Judge, on the uncertainty of the law ... 513
contingent fees ... 513
convention of lawyers at Washington ... 386
Cooke, Martin W., address to N. Y. Bar Ass'n ... 65
Court of Appeals, schemes for relief of ... 445
court-house in London, ruinous condition of ... 346
Dillon, Judge, on codification ... 125
dogs as bearers of despatches ... 405
Dougherty, Daniel, address to the U. S. Bar Ass'n... 65
dower, bill to restrict ... 266
driving, reckless, and its punishment ... 490
Dutch settlement of New York, Judge Arnoux on.. 41
Dwight, Prof., his list of fifty leading law books. .. 326
"Elegant Extracts from Browning"; apology for mistake ... 185
evidence; common-law rules; relaxation recommended ... 1
Field, David Dudley, on legal reforms ... 125
"Forms and Failures of the Law;" Philip Snyder on. 285
Harvard Law Review; notice of ... 326
Gray, John Clinton, nomination to Court of Appeals. 67
high license; Crosby bill ... 345
veto of ... 386
Hill, Governor; recommendations in message ... 22
Holland Society dinner ... 41
proposed trip to Holland ... 406
humor in court ... 406
among the English judges ... 166, 167
humorous cases ... 346
riding on buckboard ... 405
from Gibson's Law Notes ... 306
inebriety as a disease ... 246
Ingersoll's joke about the three taverns exploded... 126
intent to take life; time necessary to form ... 490

CURRENT TOPICS—Continued. Page.
Inter-State commerce commission; express companies ... 21
Journal of Jurisprudence, notice of ... 86
judges, federal; salaries of ... 2
jury trial, English judges on ... 514
in New York city ... 185
Lamar, Mr. Justice; remarks on criticisms on his appointment ... 42
lawyers; Denver *Republican* on Phillip Snyder ... 345
Lomb, prize essays on public health ... 246
lunacy laws, proposed bill to amend ... 146
marriage, celebration of, Mr. Cook on ... 226
Miller, Mr. Justice, his opinions on jury trials ... 1
miscarriage of justice, Judge Barrett on ... 385
Neilson, Judge, notice of ... 105
"newspaper," what is ... 446
and criminal justice, Mr. Curtis on ... 265
new trials, abuse of ... 446
oleomargarine laws ... 325
overruled cases in Pennsylvania and Missouri ... 225
Palmer, E. D., presents bronze arms to the State ... 86
his Fort Orange Club seal ... 42
portraits of legal authors in advertising columns ... 185
prison labor contracts ... 365
salaries of judges; increase recommended ... 326
Shakespeare, Appleton Morgan on ... 85
Merry Wives of Windsor; Appleton Morgan's edition ... 346
Merchant of Venice; Furness' new edition ... 405
Semple, District Attorney; action in McGrath and DeLeon cases ... 85
Schouler on text-books ... 126
Sharon divorce case ... 126
sleeping car; action for not making up berth ... 489
Spiritualism; constructive fraud ... 245
impostures ... 306
stenographers in court ... 426
Supreme Court of U. S.; Mr. Justice Harlan's remarks on ... 186
Chief Justice Waite on calendar ... 106
Tennyson, obscure passage, solved by Attorney-General Brewster ... 286
testimony of parties; first advocated in Connecticut ... 21
Texas Court of Appeals, attack on ... 220
treadmill — McMaster's misrepresentations ... 1
text-books by judges, Kekewich, J., on ... 206
"trusts" — Wm. W. Cook on ... 186
for charity ... 489
Tilden case ... 246
uncertainty of law ... 513
Waite, Chief Justice, death of ... 245
Webster, Daniel, Boutwell on ... 469
witnesses — parties in their own suits ... 236
right to impeach one's own ... 514

DECISIONS OF NEW YORK COURT OF APPEALS ... 59, 84, 124, 144, 183, 204, 224, 242, 264, 304, 344, 364, 384, 467, 487, 512, 532

Page.
LAWS OF PROPERTY. Address by Lord Coleridge ... 402

LEADING ARTICLES:
Bowen, Lord Justice; his translation of Virgil ... 128
dogs in law and elsewhere ... 348
Ellwanger, W. D., on dogs ... 348
hearsay evidence to prove pedigree ... 130
extradition bill, the new ... 88
Gravina's memoir of Papinian ... 148
mortgages as choses in action ... 44
priority of liens; computation of time ... 308
Scottish Court of Sessions and its Procedure ... 4
statute; can the judiciary determine whether one exists ... 428, 449
of frauds; Martin W. Cooke on ... 492
surety, on bond, when liable for more than one penalty ... 108
liability on bond conditionally signed ... 188, 208
Lincoln, Abraham, Boutwell on ... 470
Maine, Sir Henry James Sumner, death of ... 182
Mellor, paper on parliamentary representation in Great Britain ... 61

NEW YORK LETTER ... 39, 203, 283, 509

NOTES:
black cap ... 243
codification of partnership law ... 424
dogs as workers ... 488
Dykman, Judge, notice of ... 324
evidence of personal identity ... 144
flogging, Mr. Justice Grantham on ... 243
insanity; defense of; The Independent ... 20
legal stories ... 384
marriage by sham clergyman ... 512
Pettygrew, anecdotes of ... 404
Pollock, Sir Frederick, reminiscences of ... 404
Chief Justice Waite's death ... 324
water wizard ... 512

POEMS:
A leading case ... 144
Head of the house ... 244
Song of the law ... 123

PORTRAITS of Charles O'Conor and Nicholas Hill ... 510

PRYOR, ROGER A., address at Albany Law School ... 455

RAPALLO, JUDGE, death of ... 2
memorial of, by Court of Appeals ... 58

SPEAR, SAMUEL T., on the new extradition bill, 88

TERRY, HENRY T., on mortgages as choses in action ... 44

THORNTON, W. W., on hearsay evidence to prove pedigree ... 130

INDEX-DIGEST

TO

ABSTRACTS, CASES IN FULL AND NOTES OF CASES.

Page.

ACCORD AND SATISFACTION. By substituted agreement; mistake; remedies 317
ACCOUNT STATED. Action on; pleading and proof 178
AGENCY. Authority of agent to borrow money. .. 115
Consignment of goods; storage and payment of charges; reimbursement 31
Power of attorney; conveyance by agent to self; ejectment 34
Factors; assignment of claims due consignor 339
——; consignments; drafts; advances on bills of lading; general lien for balance; estoppel; ignorance of rights 481
ANIMALS. Corporation; negligence; knowledge by agent of viciousness 208
Cruelty to; hunting foxes 3
Injuries by vicious dog 338
APPEAL. When lies; payment of judgment 116
——; special proceeding; county court 53
Who may take; substantial rights of parties 216
Decision; partial affirmance 435
From decree of divorce; conditions of judgment; requisites of appeal 217
Matters not apparent on record 398
——; motion for new trial; decision; affirmance; dismissal 480
——; law and facts 464
Jurisdiction; amount in controversy 318
——; appealable orders 480
Order denying motion for reargument of appeal; who may appeal; motion to dismiss for frivolousness 373
What reviewable; findings of fact 116
——; questions of fact 465
Waiver; acceptance of costs; supplemental bill; discretion of court 480
ARBITRATION AND AWARD. Submission; construction; evidence; matters occurring before arbitrators; failure of parties to offer evidence before arbitrators 294
Executory agreement to submit; bar to action 463
Conclusiveness; party-walls 435
Impeachment 83
Bias of arbitrator 421
Misconduct of umpire; evidence; inadequate award, 463
ARREST. Detention of property by officer; liability. 159
ASSIGNMENT. Of claim against State for damages; rights of parties 417
ASSIGNMENT FOR CREDITORS. Liens; priority of mortgage 31
Fraud; evidence; validity of debt; judgment as evidence 376
ASSUMPSIT. Privity; goods ordered of one and supplied by another; notice 119
ATTACHMENT. Affidavit; foreign judgment; action on 294
Bond; sureties; signature of partnership name 363
Publication of summons; appearance; discontinuance 256
ATTORNEY. Admission to practice; regents' examination 134
ATTORNEY AND CLIENT. Lobby services, no recovery for 406
Settlement of case by counsel 207

BAILMENT. What constitutes; delivering wheat to mills 422
BANKS. National; taxation of shares; constitutional law; shares owned by other national banks 398
——; transfer of stock; liability of assignor 82
Payment of forged check; liability 423

Page.

BETTING AND GAMING. Trotting horses for premium 387
Suit to recover money lost; statute 281
BILL OF LADING. Interest under contract; agreement to pay sight drafts; estoppel 234
BOND. Conditional delivery; liability of sureties 15
BOUNTIES. To volunteers; liability of county; authority of treasurer; notice to supervisors 98
BURIAL. Right to put flowers on grave 68
Limitation of right in Catholic cemetery 167
Subsequent rule excluding workmen from cemetery.. 472

CANALS. Negligence in management; liability of State; contributory negligence 256
CARRIERS. Cattle; negligence; presumption 363
Of goods; limiting liability for loss by connecting lines, 268
——; liability for loss; change in contract 358
——; destruction of property by fire; negligence; question for jury 257
——; loss; limitation in contract; burden of proof; statute prohibiting limitations — extra-territorial effect; stipulated subrogation to insurance; rights of insurer 257
——; liability of ware-houseman; allowing eggs to freeze 16
Misdelivery of freight; presentation of bill of lading.. 82
Limiting liability by stipulation on ticket 160
Of passengers; coupon tickets; refusal to accept detached ticket 363
Person on train by invitation of baggage master; carriers not liable for injuries 438
Duty to give passenger reasonable time to find ticket.. 16
——; injuries to passengers; negligence 396
——; ——; presumption of negligence 417
——; toward infirm passengers; negligence 55
Negligence; passengers on freight train 298
Railroad; negligence; allowing basket in car 227
——; door swinging against passenger going from waiting-room to ferry 207
——; injury to passenger while approaching ferry-boat; presumption 299
——; negligence; free pass; drawing-room car 217
——; protection from strikers 27
Baggage; merchandise 160
——; bag put in passenger car and stolen in absence of owner 247
——; loss of baggage; evidence of value; jewelry; duty to inform carrier 480
——; jewelry; knowledge of agent 508
——; delivery to porter to be placed in car 329
CHARITIES. Bequest; description of object 401
Uncertainty in bequest 508
COMPOSITION. Contract to give undue advantage; effect; action before maturity 98
CONFLICT OF LAWS. Death by wrongful act; statute of sister State 228
CONSTITUTIONAL LAW. Regulation of commerce; licensing foreign corporations 340
——; intoxicating liquors 340
Inter-State commerce; taxation of telegraph companies 277
——; requiring locomotive engineers to be licensed 172
Impairing contracts; exemption of homestead purchased with pension money 160
Corporations; consolidation with foreign corporation, 380
Exclusive privileges; railroad at sea-side resort; receiver 56
Legislative powers; divorce 350
Due process; special administrator's accounting without notice to distributees 481

CONSTITUTIONAL LAW—Continued. Page.
Due process; confinement for drunkenness..... 415
Rule of evidence; civil negligence; indictment..... 146
Police power; board of health; destruction of diseased animals.. 356
Prohibition of oleomargarine..... 370
Sale of intoxicating liquor 238
Prohibitory liquor law 278, 290
Prohibiting boating and fishing in city reservoir..... 2
Requiring book canvassers to take out license..... 3
Requiring residence for physicians..... 43
Right of physicians to advertise..... 113
Imposing liability of railroad for injuries to servant.. 507
Titles of laws; objects embraced; due process of law. 295
——; special privileges..... 277
—— ; objects embraced..... 80
Taxation of drummers..... 148
Legislative powers; taxation; public improvements... 437
Vested corporate rights; electrical subways; municipal regulation; title of act; amendment; taxation..... 178
CONTRACT. Breach of; action for 83
Action on; reference; findings of referee..... 339
Builder's; agreement to submit to arbitration; pleading..... 295
——; for erecting public buildings; changes in specifications; liability of State; waiver of objection to change; refusal by State to complete contract; damages; interest 295
Agent's promise to pay; personal liability; stranger; statute of frauds 53
Alteration and modification; effect; covenants running with land 417
Assumpsit; inability to perform; recovery for labor done 439
Gambling; options 83
"Hotel bill" does not include strong drink, billiards and cigars. 248
Interpretation; province of jury 396
Lease of diseased animals; public policy..... 525
Parties: who liable 179
Performance; conditions precedent 396
——; prevented by conduct of defendant..... 373
Breach; tender of performance; damages..... 116
Refusal to perform; demand 80
Rescission; *statu quo* 218
Restraint of trade; working for another..... 327
——; "so far as the law allows"; public policy; reasonableness..... 408
Under seal; consideration; evidence; parol; to vary license; license; to make repairs; revocation 53
Substitution of new agreement; consideration 83
Validity; public policy; "corner" on market; rights of parties; recovery of over payment 279
Public policy..... 436
——; sale of Bohemian oats..... 423
See *Specific Performance.*
CONVERSION. Pleading; answer; partial defenses, 506
COPYRIGHT. Excerpts from book; proof of infringement 230
In judicial opinions..... 276
Newspaper; property in title; imitation; injunction.. 521
Photograph; possession of copy; *qui tam* action 237
Mechanical water-fall in stage play 187
CORPORATION. Dissolution; appointment of receiver; action by corporation 81
Liability for malicious prosecution; *ultra vires* 56
Manufacturing companies; failure to file annual report; personal liability of trustees; judgment for costs ... 258
COSTS. Reversal of order directing payment; jurisdiction of appellate court..... 258
CRIMINAL LAW. Adultery; proof of rape 160
Appeal; review of facts; statutes; amendment 296
Bribery; compelling prisoner to testify against himself; "investigation;" by legislative committee; evidence of former attempt; presumption from flight.. 69
——; New York Penal Code; consolidation act; constitutional law 418
Burglary; "building;" vault in cemetery..... 258
Cruelty to animals; killing trespassing hogs 228
Evidence; confessions; murder; sufficiency of evidence; premeditation; vagrancy; opinion; microscopical observation 506
——; proof of another crime..... 296
——; *res gestæ*; declarations..... 181
Forgery; of National Bank paper; jurisdiction of State courts..... 51
——; printing theatrical tickets..... 524
Homicide; evidence; declarations; relevancy..... 53
——; *corpus delicti* 218
——; indictment; finding; failure to indict for assault, 396
——; identification of deceased 516
——; murder in the first degree; evidence; expert; hearsay; instructions; indictment; form; election between counts; verdict in absence of counsel..... 480
Jury; qualifications; prejudice..... 218
——; opinions formed on newspaper report of former trial 111
Misconduct of jury and counsel; treating..... 401
Kidnapping; fraud..... 396
Larceny; attempt; empty drawer..... 470
——; of dog..... 232

CRIMINAL LAW—Continued. Page.
Mayhem; intent presumed..... 10
New trial; misconduct of counsel..... 30
Public intoxication; mistake as a defense..... 299
Trespass; entry under claim of right; advice of counsel. 417
Trial; interrogation of witness by trial judge..... 35

DAMAGES. Measure of for breach of contract to supply manufactured article 397
Goods to be manufactured; refusal to accept..... 239
Expense of nursing..... 17
Prospective; how recoverable..... 439
Trespass; cutting and carrying away timber; good faith..... 182
DEDICATION. Special purpose; hitching square; alteration..... 526
Of streets; riparian rights; filled in land; right to improve land lying below high-water mark..... 262
DEED. Construction; boundaries; courses and distances govern recitals..... 318
DEFINITION. Highway; ferry..... 142
"Improvement"; street sprinkling is 491
"Jewelry"; imitation 328
"Public place"; grand jury room..... 17

EASEMENT. Creation; overlapping building..... 463
Construction of grant; rights of the owner of the land; gates 319
Right to use of spring; deed; "appurtenances"..... 32
Right of way; prescription 160
Reservation of; rights of owner of fee; gates..... 526
Creation; grant; right to bring water over lands of another..... 373
ELECTIONS. Majority; acquiescence of those not voting..... 279
EMINENT DOMAIN. Bridge companies; relocation of line..... 319
Public use; railroad companies; right to exercise power, 296
Right to compensation; failure of assessors to report, 179
EQUITY. Cancellation of instruments..... 398
Jurisdiction; accounting; contribution; defenses.... 436
Decree; measure of relief..... 465
ESTOPPEL. Waiver of right of action; indorsement of bonds: in pais; right of action; suit in equity; remedy at law..... 83
EVIDENCE. Accomplices; corroboration..... 418
Best and secondary; deed; exemplified copy; opinion; comparison of handwriting; trial; instructions; failure to request charge 319
Books; original entries 448
Offer of compromise 338
Declarations; *res gestæ*..... 491
Depositions; examination of adversary; extent 418
Negligence; declarations of plaintiff as to intended use of recovery 108
Documentary; book entries; custom 280
——; fraudulent sale; books of account 397
——; histories; evidence of title to land; easement; removal of bridge..... 54
——; ancient document; use for comparison of handwriting..... 438
——; record of signal service officer..... 36
Opinion; expert; pregnancy from single connection with ravished woman..... 127
——; stairway 126
——; distance at which light could be seen 86
——; foundation for testimony; insurance; burden of proof; evidence; "port risk"..... 179
Harmless error..... 54
Parol; memorandum of contract..... 10
Practical tests 88, 307
——; section of human body; discretion of court..... 161
Presumption; continuance of insanity..... 44
——; of survivorship in shipwreck 471
Of market value of services, when admissible 268
Witness; impeachment; calling defendant as witness. 260
——; ——; rebuttal 57
——; re-direct examination; reasons for belief..... 440
EXCEPTIONS. General and specific 464
EXECUTION. Exemption; lawyer's office furniture. 17
EXECUTORS AND ADMINISTRATORS. Actions by; exaction of bond; illegality of..... 297
Sales of realty; parties; contingent remainder-men.. 374
Personal discretion; dower to sell..... 7

FIXTURES. Machinery intrusted to third person . 142
Between vendor and vendee; partitions; gas and water pipes; rights and remedies; damages for breach of contract 319
FRAUD. In procuring compromise; undue influence. 83
Constructive: undue influence.. 259
Conveyance; what constitutes; subsequent creditors, 464
Fraudulent conveyance; pending suit; consideration, 435
Right to jury trial 436
Sale of land; rescission 36

GIFT. Of land; evidence to support..... 161
Mortis causa; evidence of donee; corroboration 527
In præsenti; *causa mortis*; what constitutes 36
GOVERNOR. Ministerial duties; control by *mandamus*..... 499

Page.

HIGHWAYS. Establishment by statutory proceedings; waiver of objection; *mandamus* to officers to open and work; discontinuance of road. 397
HOMESTEAD. Conveyance of right of way; consent of wife. 315

INJUNCTION. When granted; continuing trespass, 218
Specific performance; personal services; contract to furnish press dispatches. 527
Temporary; appeal; review. 374
To restrain criminal prosecutions. 36
Small-pox hospital. 188
INNKEEPER. Guests; Sunday liquor law. 37
INSURANCE. Accident; death by inhaling gas. 120
Agent of company filling out application; waiver of condition. 514
"Premises." 143
Representations; falsity; estoppel. 53
Beneficiary of life policy; "guardian;" notice of death; comity. 180
Life; by creditor; wagering policy. 240
——; payment to person producing policy. 37
Condition; resistance to lawful authority. 508
——; forfeiture; answers in application; use of stimulants. 140
——; marine; reinsurance after ship lost; notice to broker, not to plaintiffs. 23
——; "dangers and accidents of the seas;" rats gnawing hole. 23
——; "improper navigation;" loading; port inefficiently closed. 136
——; "perils of the seas;" donkey-engine. 23
——; general words; perils of the sea; splitting of chamber of donkey-engine. 149
——; seaworthiness; subsequent damage; limitation of liability; loss by broken machinery; proximate cause; ordinary care; towing disabled tug past port; burden of proof; trial; objections; waiver; witness; credibility; experts; evidence; res gestæ; secondary instructions; refusal of series. 237
INTEREST. Payment; entirety of contract; liquidated account; statement rendered. 310

JUDGE. Disqualification for bias. 528
JUDGMENT. Effect of; collateral impeachment of contract; fraudulent conveyances; purchase at execution sale; defense of valid judgment; liability of party to fraud; sold and unsold property; creditor's bill; when lies; fraudulent purchase at judicial sale. 204
Res adjudicata. 116, 141
——: interlocutory order. 465
JUROR. Bias; partiality toward expected witness. 282
Examination on voir dire. 418
JURISDICTION. Federal courts; admiralty; action for damage to logs. 251
Of Federal courts; "suits at law"; eminent domain proceedings. 421
Federal question; exercise by city of administrative powers. 377
——; question arising under patent laws. 362
Of federal courts; injunction to municipal officers. 213
Of State courts. 51
JUSTICE OF PEACE. Jurisdiction; limitation of; election; de facto; conviction before. 180

LACHES. Failure to enforce title. 421
LANDLORD AND TENANT. Covenant to build; assignment of lease; release; agreement; provision against subletting; breach; knowledge of lessor; covenant to renew lease; enforcement; costs; action on "instrument in writing"; specific performance of covenant. 180
Covenant to repair; notice; appeal; estoppel by conduct below. 181
Lease; breach of covenant for passage-way; description of premises; ambiguity. 481
Duty of landlord to repair; latent defects. 161
Dangerous premises; liability of landlord. 441
——; dangerous premises. 101
——; coal hole in sidewalk — contributory negligence; action for tort; acts of janitor. 292
Destruction of building; rebuilding; agreement to pay more rent. 219
Estoppel to deny title. 336, 397
Trade fixtures; renewal of lease. 17
Holding over; liability; bonded warehouse. 54
Lease; deposit for performance of covenant; forfeiture by breach; pleading. 375
Liability of tenant; wear and use; renewal of lease; waiver of damages. 99
LIBEL AND SLANDER. By mutual aid association; action lies only against members individually, 227
Charge of crime. 38
False statement that daughter compared her mother to a cat. 307
"Liar, nondescript, political traitor and nincompoop." 408
Newspaper criticism of stage play; question to be left to jury; "fair criticism"; privilege. 248
Privileged communication; to governor on hearing on a bill. 287

Page.

MALICIOUS PROSECUTION. No arrest or seizure of property. 287
Probable cause; holding by committing magistrate. 366
MARRIAGE. Action for loss of household services of wife. 38
Agency; special agent; notice of authority. 54
Agreement for separation; validity. 116
Breach of promise; action against personal representatives of promisor; survival of cause of action; special damage. 392
Contract; consideration; agreement by wife to live with husband. 479
Curtesy; how lost; gift. 240
Divorce; cruelty; hard work and poor food. 168
——; proof of desertion; review on appeal; foreign decree; non-resident defendant. 260
——; evidence of informers. 321
——; jurisdiction; waiver of objection. 358
Judgment of nullity; action to set aside. 116
Conveyance by married woman; divorce from bed and board. 297
Necessaries of wife living apart from husband in adultery connived at by him. 273
Partnership of husband and wife. 198
Statute of limitations; part payment by husband on note of husband and wife. 186
Wife's extra services in household; husband's creditors may claim earnings. 388
Separate estate; power to charge; lex loci. 312
MASTER AND SERVANT. When relation exists; contractor; supervising architect. 321
——; province of jury. 260
Hiring; breach of contract; duty of servant. 116
Negligence; assumption of risk; promise to remedy defect. 169
Scope of employment; arrest of passenger for giving bad coin in payment of fare. 102
——; assault by porter of sleeping car. 326
When servant engaged in master's employment. 441
Negligence; extraordinary accident; explosion of benzine in paint. 528
Liability of livery keeper for negligence of driver. 199
Fellow-servants; telegraph operator and conductor. 22
——; train dispatcher and engineer. 162
Leaving service without notice, stipulation to forfeit wages due. 241
Negligence of vice-principal. 443
——; defective appliances; lumber cars. 81
——; ice on car. 167
——; railroad; condition of brake; province of jury. 117
——; failure to provide rules for safe conduct of business. 301
——; employer's liability act; vicious horse; risk voluntarily incurred; "workman"; "plant"; "defect" in condition of. 163
Contributory negligence; knowledge of character of fellow-servant; burden of proof. 118
Railroads; not required to fence track; danger of cattle on track. 120
MECHANICS' LIENS. Lumber for scaffolding. 528
Sub-contractors; abandonment of work by contractor; completion by owner; surplus; notice; verification. 481
MISTAKE. Of law; release and discharge; evidence to contradict. 18
MORTGAGE. Assignment; loss; proof of; title. 253
Consideration; failure of; assignment. 117
Payment and discharge; rights of beneficiaries. 260
Chattel; rights of mortgagee; insurance. 481
MUNICIPAL CORPORATION. Negligence; defective canal; action against State for wrongful death, 219
Proclamation of mayor; authority of officer to kill dogs, 241
Right to rent city hall for entertainments. 348
Eminent domain; damage to private property. 422
Public improvements; assessments; validity; receiving bids; publication of notice; action to vacate; right to maintain. 320
Power to forbid peddling meat not conferred under power to regulate markets. 19
Police department; powers of police board; special grades of patrolmen. 340
——; retirement on pension. 219
Construction of sewers; liability for negligence. 155
Defective sewers; action for damages; pleading. 18
——; negligence in devising plan; error of judgment. 199
Defective sidewalks outside limit of street; failure to erect guards. 288
Regulation of sidewalks; signs and placards. 263
Contro of streets; regulation of railroad tracks. 260
Defective streets; explosion of gas. 435
——; ice on sidewalks. 375
——; independent contractor; province of jury; contributory negligence; evidence; trial; reception of evidence; damages; personal injuries; evidence. 464
——; contributory negligence; negligence. 339
——; duty to light street; steps from sidewalk to street crossing. 443
Right to remove soil and mineral from street. 58

NEGLIGENCE. Action for death; conscious suffering of deceased; nominal damages. 121

NEGLIGENCE—Continued. Page.
Death by wrongful act; when action lies against sheriff for a killing by deputy 520
Death; action; remedy 433
Bath-house keeper's loss of customer's valuables..... 87
Contractor; injury by his servant to employer's servant..... 274
Dangerous premises; dangerous chemicals 467
——; insecurely fenced area in front of hotel 267
Defect in bridge; contributory negligence 241
Maintaining barbed wire fence along highway; injury to animals..... 106
Driving over child in street; contributory negligence. 297
Evidence; subsequent repair by third person..... 235
Proximate cause; fright..... 446
——; when question of law..... 134
Remote cause; fright of pregnant woman by runaway. 288
Death in putting up telegraph wires..... 307
Trial; objections to evidence; witness; examination; instructions to jury; appeal; review..... 397
See Carriers; Landlord and Tenant; Master and Servant; Municipal Corporation; Railroads; Telegraphs.

NEGOTIABLE INSTRUMENTS. Draft; acceptance; "excepted"..... 443
Purchase from *bona fide* holder; knowledge of equities. 200
Defense of gambling consideration..... 181
Action at law on lost note; averment of loss..... 121
Release of indorser; extension of time..... 220

NUISANCE. Bells; person peculiarly nervous..... 346
Continuing; recovery not a bar to subsequent action. 122
By corporation; right of stockholder to complain; acquiescence..... 261
Livery stable 491
Noise; art pupils hammering brass..... 447
Obstruction of navigable river; special damage..... 467
Obstruction of sidewalks; skids..... 49
Pollution of stream by several persons; remedy against one contributor..... 24
Public picnics and dances; ordinance to restrain..... 342
Undertaker's establishment..... 93

NOTARY PUBLIC. Using seal of another..... 68

OFFICE AND OFFICER. Action against clerk for wrongful issue of writ; damages..... 342
Liability of county commissioners for neglect of duty in respect to jail..... 122
Judgment: validity; de facto judge..... 46
Justice of the peace; abolition of town..... 369
——; holding over term; validity of acts..... 95
"Public officers"..... 238

PARENT AND CHILD. Injuries to child; action by parent; future medical service..... 418
Oral promise to support bastard..... 367

PARTIES. Corporations; stock; action to determine ownership..... 436
Deed of trust; partition; sale; estoppel to question validity..... 436
Defect of; objection how taken 234
Non-joinder; plea in abatement..... 117
Partition; error in; effect on decree 118

PARTNERSHIP. What constitutes; agreement with third party 118
Usury; agreement; consideration..... 261
Breach of agreement for; damages; evidence; harmless error 54
Firm and private creditors; judgment; priorities..... 307
Payment of private debt with firm assets; notice to creditor..... 182
Estoppel of partner to impeach firm contract..... 262
Not provable by reputation..... 428
Of husband and wife..... 198
Limited; failure to record certificate..... 359
Action against special partner; creditor's bill; jury trial; judgment; *res adjudicata* 419
Authority of partner; dissolution 389
Retiring and incoming partner; liability for debts ... 54
Survivor; power to assign with preferences 464
Taxes on property; payment of one-half; joint liability. 238

PATENTS. Cancellation; power of general government 200
Prior state of art; preserving bonds..... 238
Improvement in cloaks; invention 200
Transfer; promissory notes; constitutional law..... 436
Patentability; improvements in telegraphy; Bell telephones..... 399

PLEADING. Answer; presumption; transactions with corporation; denial of corporate existence .. 234
Demurrer; misjoinder of actions; slander of title; trespass; jurisdiction; lands outside of State..... 340

POST-OFFICE. Use of, to defraud; indictment.... 238

PRACTICE. Equity; submission of issue to jury; waiver of objections; motion for new trial 376

PROPERTY. In letters; contract for sale of private letters..... 13
Literary in play; protection of..... 528

PUBLIC LANDS. Patents; suits to cancel; laches; suit by government 482

RAILROADS. Charters and franchises amendment of defective articles; New York Rapid Transit Act; powers of commissioners; amended plans of construction; failure to submit to property owners..... 397

RAILROADS—Continued. Page.
Municipal aid bonds; subrogation; when allowed; volunteer..... 202
——; restraining collection; equity jurisdiction; validity of bond; petition; majority of tax payers; estoppel; payment of one year's coupons; laches..... 320
Negligence; crossing railroad tracks; duty to look; duty of brakeman to give warning..... 118
Negligence at crossing; contributory negligence..... 420
——; fires; evidence; competency..... 398
Regulation of charges; unreasonable restrictions; due process of law..... 483
Street; location of depot; removal; injunction..... 220
——; duties to passengers; negligence; carrying passengers on platforms..... 530
——; injury to passenger..... 420
——; injuries to persons on track; contributory negligence 376
Horse railroads; injuries to passengers; instructions; contributory negligence; province of jury; review on appeal..... 261
Lessor and lessee; injury to employee of lessee..... 459
See *Carriers*.

RECEIVER. Effect of appointment; prior levy; advising appointment; aid; trover and conversion. 220

REFEREE. Appointment 398

RELIGIOUS SOCIETIES. Nuns; individual property rights..... 297

REPLEVIN. Action on bond; damages..... 465

REWARD. Capture of one prisoner; recovery pro tanto..... 444

SALE. What constitutes; acceptance; use after knowledge of defects..... 320
Upon condition; contract; revocation; laches..... 422
Delivery; goods in hands of warehouseman; notice; bill of sale; recording..... 322
Duty to deliver; offer of performance; insolvency; check; equitable assignment..... 238
Diseased cattle; Texas fever 386
Implied warranty; sale of hog by farmer..... 301

SCHOOLS. Authority of school committee; liability.. 382

SEDUCTION. Abandonment immediately after marriage..... 515

SHIP AND SHIPPING. Bill of lading; exceptions; dangers and accidents of the seas; damage caused by rats 137
Charter-party; construction of contract..... 261
Contract of affreightment; conflict of; law of the flag and lex loci contractus; special exemption..... 518
General average; passenger's baggage; right to be contributed for..... 343
Negligence; contributory; unlashing wheel; right of injured party to be cured at expense of ship..... 382
Regulation of; carriage of passengers; penalties..... 238
See *Insurance*.

SOCIETIES. Authority only to fine; expulsion..... 368

SPECIFIC PERFORMANCE. Contracts for sale of stock; when decreed..... 175

STATE. State officers; claims against State; limitations; revival by legislature 420

STATUTE. Words tending to breach of peace; publication..... 407
Construction; constitutional law; titles of laws..... 262
"Sealed letter"..... 268
"Spirituous liquors;" wine and beer..... 200

STATUTE OF FRAUDS. Acceptance and delivery 158
Original and collateral promise 235
Sale of land; sufficiency of memorandum..... 302

STATUTE OF LIMITATIONS. Acknowledgment in writing; order; liability; payment out of fund 81
Conversion; running of the statute; by agent; what constitutes; ratification; pleading and proof..... 437
Negligence; personal injury to passenger 465
Negotiable instrument; action against indorser 19
Trusts; express and implied; fraud; discovery..... 54

SUNDAY. Contracts; validity; barber's services 58
Personal injury while travelling on; State law controls, 426
Prohibition of labor; bakeries..... 263
Worldly business; charging for admission to camp meeting..... 148
"Worldly employment;" sale of soda water 531

SURETY. Liability; insurance; bond of agent 236

SURROGATES. Liability for funds of estates deposited by them..... 142

TAXATION. Assessment; over-valuation..... 142
Corporations; capital stock; valuation of; review of assessment 81
Exemption; municipal property 201
Redemption; notice to occupant; province of jury; bounty tax; sale for non-payment; constitutionality, 420
Tax titles; cancellation; refunding purchase-money... 437
Effect of tax deed; highways; taxation; liability of non-resident lands; sale; proceedings; repeal of statute; validity; presumption from lapse of time; assessment; entry of; omission of dollar-sign; date of warrant; number of district..... 80, 295

TELEGRAPHS. Right to cut off limbs of trees overhanging sidewalk..... 67

TELEGRAPHS—Continued. Page.
Unrepeated message; notice of stipulation; mutilated blank ... 421
Negligence; damages; speculative profits.. ... 195
TENANCY. In common; contract; construction; sale; condemnation by railroad; consideration; several contract; breach; right to sue; extent of recovery... ... 261
——; rights and liabilities *inter se;* rents; taxes paid for life tenant ... 398
TRADE-MARKS. Geographical words; infringement ... 201
Patent describing certain trade-marks and labels on bottle; expiration does not authorize use of. 247
Contract for royalties; breach ... 19
TRIAL. Objection to mode; jury; trial by; demand for money only.... ... 481
Reception of evidence; harmless error. ... 465
TRUST. Bequest to charitable uses; uncertain beneficiary ... 472
To secure time payments; anticipation... ... 81

USURY. Defense of, by second mortgagee... ... 193

VENDOR AND PURCHASER. Defect in title; what constitutes; action to recover money paid... ... 220
——; action to recover purchase-money... ... 261
Purchase-money mortgage; agreement with grantee of vendee; personalty 237
Rights of purchaser; waiver of breach; liability to third persons... 376

Page.
WATER AND WATER-COURSES. Artificial channels; rights of riparian owner. 382
Obstruction of bridge; courts; federal jurisdiction; improvements by congress... ... 380
Illegal drainage; action for damages... ... 55
Percolation; negligent construction of reservoir; liability of State 376
Underground currents; diversion 297
Diversion of stream; issue of fact; estoppel... ... 34
Surface water: concentration; increased velocity; material injury 465
——; erection of barriers; agreement to fence... ... 202
WILLS. Action to construe; statutes; repeal by implication; interest to maintain action; contingent remainder; claim hostile to will; when action may be maintained; construction; nature of estate trusts; validity; accumulations; conditional limitations; substituting "her" for "my"... 320
Seal 180
Signing "at the end of the will"... ... 288
Testamentary paper; obligation for the payment of money 157
Conversion of realty; power to sell 118
Devise during widowhood; trust for benefit of children; power to sell 220
Remainder; death of life-tenant before title vested.. 118
Revocation; by release from devisee.. 361
WITNESS. Competency; confessed perjurer... ... 418
Accused as; cross-examination 154
Cross-examination of accused; handwriting... ... 20
Defendant in a criminal action; impeachment... ... 383
Impeachment by cross-examination; estoppel... ... 9